

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

United States of America,)
 Plaintiff,)
vs.) Case No. 07-3015-01-CR-S-FJG
Angel L. Montano,)
 Defendant.)

ORDER

Pending before the Court is defendant's motion to suppress evidence on the basis of unlawful search and seizure under the 4th Amendment to the United States Constitution (Doc. #33), filed November 2, 2007, and the government's suggestions in opposition (Doc. #25), filed November 14, 2007.

On December 11, 2007, Chief United States Magistrate James C. England held an evidentiary hearing on the pending motion to suppress. Thereafter, on January 9, 2008, Chief Magistrate England entered a report and recommendation (Doc. #40) which recommended denying the above-mentioned motion. Objections to the report and recommendation were filed by defendant on February 26, 2008 (Doc. #45).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress evidence (Doc. #33), filed November 2, 2007, must be denied.

Accordingly, it is

ORDERED that the Chief Magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress evidence and statements (Doc. #33), filed November 2, 2007, is denied.

/s /Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 4/7/08
Kansas City, Missouri